

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL EARL SMITH
TDCJ No. 1940342

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 3:19-CV-182-S-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

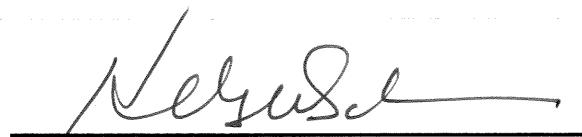
The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 19. Plaintiff filed objections. *See* ECF No. 22. The District Court reviewed *de novo* those portions of the findings, conclusions, and recommendation to which objection was made, and reviewed the remaining findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Moreover, considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b) and Rule 11(a) of the Rules Governing Section 2254 Proceedings in the United States District Court and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the Findings, Conclusions, and Recommendation of the United States Magistrate Judge in this case in support of its finding that Petitioner has failed to show (1) that reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If Petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

SIGNED January 12, 2022.



UNITED STATES DISTRICT JUDGE